

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

JAZMYNE FORD, by and through her mother)
and next friend, TONYIA WILHITE,)
Plaintiff,)
vs.) Case No. 15 CV 136
AMANDA EVANS,)
Defendant.)

)

COMPLAINT

COMES NOW the Plaintiff, and for her cause of action against the above-named Defendant, and in support thereof, states and alleges:

1. Jazmyne Ford is an individual and a resident and citizen of the State of Kansas.
2. Defendant Amanda Evans is an individual and resident and citizen of the State of Nebraska, and may be served with process at her residential address, 43960 877th Road, Long Pine, Nebraska, 69217.
3. There is complete diversity of citizenship and the matter in controversy exceeds, exclusive of interest and costs, the sum specified by 28 U.S.C. § 1332.
4. The acts of the Defendant set forth herein happened within the State of Nebraska.
5. At all times material hereto, Plaintiff Jazmyne Ford was a minor and under legal disability having been born on October 2, 2005. Accordingly, this action is brought by Plaintiff by and through her mother and next friend.
6. On or about June 26, 2011, Plaintiff was at a convenience store in Ainsworth, Nebraska. As she was walking to the front of the convenience store she was run over by a motor vehicle which was being driven by Defendant.
7. Defendant Amanda Evans negligently operated her vehicle by backing out of a parking

space without first looking to make sure that it was safe to back her vehicle, without looking while she was driving backward, without giving warning that she was going to back up her vehicle, and without stopping when she first struck Plaintiff.

8. As a result of Defendant's negligence Plaintiff was struck by Defendant's car and she was pinned beneath the car.
9. As a result of Defendant's negligence, Plaintiff suffered severe bodily injury necessitating medical and surgical treatment and skin grafting.
10. Defendant's conduct, in violation of statutory law, was negligence per se.
11. The sole and proximate cause of Plaintiff's damages was the negligence of the Defendant.
12. As a direct and proximate result of Defendant's negligence, Plaintiff has suffered, and will continue to suffer in the future, medical, hospital and surgical expenses, loss of time, pain, suffering, disability and disfigurement, and loss of enjoyment of life.

WHEREFORE, Plaintiff prays for judgment against the above-named Defendant for her negligence in an amount in excess of \$75,000.00, plus costs, and for such other and further relief as the Court deems just and equitable.

Respectfully submitted,

s/ Matthew L. Bretz
Matthew L. Bretz, SC # 15466
BRETZ & YOUNG, L.L.C.
3 Compound Drive
P.O. Box 1782
Hutchinson, KS 67504-1782
(620) 662-3435
Fax (620) 662-3445
Matt@byinjurylaw.com
Attorney for Plaintiff

REQUEST FOR JURY TRIAL and
DESIGNATION OF OMAHA, NEBRASKA FOR TRIAL

COMES NOW the Plaintiff, pursuant to applicable Nebraska law, and respectfully makes demand for trial by jury of all issues herein joined. Plaintiff hereby designates Omaha, Nebraska, as the place of trial for this matter.

s/ Matthew L. Bretz
Matthew L. Bretz, SC # 15466
BRETZ & YOUNG, L.L.C.
3 Compound Drive
P.O. Box 1782
Hutchinson, KS 67504-1782
(620) 662-3435
Fax (620) 662-3445
Matt@byinjurylaw.com
Attorney for Plaintiff